

DETAILED ACTION

Claims 6-24 are pending. Claims 6-20 have been withdrawn. Claims 1-5 have been cancelled.

Claims 6-9 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08/08/2007.

Claims 10-20 withdrawn by Applicants in response to the Office action mailed 03/18/2008, said Office action noting that claims 10-20 are not drawn to the elected invention.

Information Disclosure Statement

The information disclosure statement (IDS) filed on 05/27/2008 was considered by the examiner with the exception of the Non-Patent Literature.

The Non-Patent Literature not considered was the "Official Action issued in counterpart Norwegian Patent Office" papers and the various papers that appear to involve the prosecution in the European Patent Office of the same instant invention. The noted literature was not considered because no date of publication was provided by the Applicants and, further, it is unclear which specific papers of the provided literature has actually been published and which of the provided literature constitutes an internal, non-public document.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “means of connecting at least two pipes” (emphasis added) as recited in claim 1, line 1, must be shown or the feature(s) canceled from the claim(s). The Examiner notes that in none of the original figures are more than two pipes shown. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 21, it is recited in line 1, “A means of connecting at least two pipes” (emphasis added). The recitation is inaccurate and/or misdescriptive. In none of the original figures is the “means for connecting” pipes shown connecting more than two pipes. Further, it is unclear to the Examiner how the instantly disclosed invention would be capable of directly connecting any more than two pipes. The Examiner notes that simply amending the noted recitation by deleting the phrase “at least” would traverse the issue of clarity.

In regard to claim 21, there is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claim 21 clearly indicates that a subcombination is being claimed, e.g., “A means for connecting at least two pipes”. This language would lead the examiner to believe that the Applicants intend to claim only the subcombination of a means of connecting, the pipes being only functionally recited. However, in claim 21, lines 3-5, it is recited “wherein an end portion of each pipe is equipped with a concentric press surface located immediately proximal to the periphery of the pipe... tool”. It is unclear if the noted recitation of lines 3-5 is intended to merely place some non-positively claimed limitation on the non-positively claimed “pipes” or if the Applicants intend the pipes to be positively recited. Applicants are required to clarify what

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the claims are intended to be drawn to, i.e., either the means for connecting alone or the combination of the means for connecting with the pipes. Applicants should make the language of the claim consistent with Applicants' intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly.

In regard to claim 21, it is recited in lines 6-7, "wherein the nut comprises a rear end portion arranged with an internal load bearing surface corresponding to the flange" (emphasis added). In claim 21, line 1, it is recited "A means of connecting at least two pipes, comprising a seal, flanges" (emphasis added). It is unclear as to which of the "flanges" the recitation of "the flange" pertains to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boscaljon et al (U.S. 6,050,690).

In regard to claims 21-24, Boscaljon et al disclose a means of connecting at least two pipes, comprising a seal (two seals, parts 16 and 22, are noted in Figure 2, see Attachment A), flanges (the structures that the two noted seals are axially bracketed by are "flanges, see Attachment A) , a threaded portion (a "threaded portion" is noted in Figure 2, see Attachment A,

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the noted “threaded portion consisting of threads of the “nut” and threads of the “collar”) and a nut (noted in Figure 2, see Attachment A),

wherein an end portion of each pipe is equipped with a concentric press surface (noted in Figure 2, see Attachment A) located immediately proximal to the periphery of the pipe and designed to be capable of taking an axial pressure from a preloading tool; and

wherein the nut comprises a rear end portion arranged with an internal load bearing surface (noted in Figure 2, see Attachment A) corresponding to the flange (the noted “NUT REAR END PORTION” can be said to “correspond” to “the flange” in numerous ways), an opposing end portion arranged with an external flange (noted in Figure 2, see Attachment A) designed to be able to take an axial pressure from the preloading tool, and a mid portion therebetween comprising an internal threaded portion (the “internal threaded portion” of the nut bring a constituent of the “THREADED PORTION” noted in Figure 2, see Attachment A);

wherein a first end portion (noted in Figure 2, see Attachment A) of a threaded collar is designed to be able to take an axial pressure from the preloading tool, which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange;

wherein the first end portion of the collar has a toothed periphery (noted in Figure 1, see Attachment A);

wherein a first end portion of said nut has a toothed periphery (noted in Figure 1, see Attachment A).

Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art

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apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647

(1987). As such, the following claims interpretations are made:

The claim 21, lines 4-5, recitation of “designed to be capable of taking an axial pressure from a preloading tool” is given little patentable weight; the noted recitation only requiring the ability to take an “axial pressure”.

The claim 21, line 8-9, recitation of “designed to be able to take an axial pressure from the preloading tool” is given little patentable weight; the noted recitation only requiring the ability to take an “axial pressure”.

The claim 22, lines 2-4, recitation of “designed to be able to take an axial pressure from the preloading tool, which pressure is distributed evenly or point-by-point about the periphery of the collar and directed towards the pipe flange” is given little patentable weight; the noted recitation only requiring a the ability to take an “axial pressure”.

The Examiner notes that the Boscaljon et al “means of connecting at least two pipes” possesses the recited structures that are fully capable of taking an “axial pressure” and thereby fully meets the claims limitations.

Response to Arguments

Applicant's arguments filed 05/19/2008 with respect to claims 21-24 have been considered but are moot in view of the new ground(s) of rejection. New grounds of rejection were necessitated for at least the claim 21, lines 7-8, recitation of "an opposing end portion arranged with an external flange". New grounds of rejection made over the prior art of Boscaljon et al (U.S. 6,050,690) are advanced above.

The Examiner notes that the "SUMMARY OF INTERVIEW WITH EXAMINER" in page 5 of the reply filed 05/19/2008 is inaccurate in so much that, during the discussion on the noted date of 09 July 2007, the Examiner noted that the Applicants elected the invention of a "means for connecting pipes" in response to the election/restriction requirement mailed 07/09/2007 and, further, none of the claims as presented in the preliminary amendment filed 02/15/2005 were drawn to the combination of a "pipe connector including a preloading tool", a combination that the Applicant is presenting in claims 10-20. The Examiner also noted that though the European prosecution would be considered, it is the U.S.P.T.O. that makes the determination of patentability of claimed subject matter in regards to the U.S. prosecution of an invention for a U.S. Patent.

Conclusion

Applicant's amendment (the claim 21, lines 7-8, recitation of "an opposing end portion arranged with an external flange" and the new presentation of previously presented subject matter in new form in newly presented claims 21-24) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAY R. RIPLEY whose telephone number is (571)272-7535. The examiner can normally be reached on Monday through Friday, 1:30 P.M. - 10:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jay R Ripley/
Examiner, Art Unit 3679
29 August 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679